IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 8451 of 2007(F)

PETITIONER:

PONMUDI RUBBERS LIMITED,
RUBBER BOARD REGIONAL OFFICE, TC 44/2490,THYCAUD,
THRUVANANTHAPURAM- 695014, REPRESENTED BY ITS
MANAGING DIRECTOR.

BY ADV. SRI.P.RAMAKRISHNAN
SMT.PREETHI RAMAKRISHNAN

RESPONDENTS:
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1. **THE THIRUVANANTHAPURAM DISTRICT CRUMB**
   RUBBER PROCESSING CONGRESS(INTUC) PALODE P.O.,
   THIRUVANANTHAPURAM, REPRESENTED BY ITS
   GENERAL SECRETARY.

2. **THE THIRUVANANTHAPURAM DISTRICT CRUMB**
   WORKERS UNIOR (CITU), CHIRAKKULAM, STATUE,
   THIRUVANANTHAPURAM, REPRESENTED BY ITS
   GENERAL SECRETARY.

3. **THE THIRUVANANTHAPURAM DISTRICT CRUMB**
   RUBBER EMPLOYEES FEDERATION (UTUC-B),
   PONMUDI RUBBERS LIMITED, MEENMUTTY P.O.,
   REPRESENTED BY ITS GENERAL SECRETARY.

4. **THE COMMISSIONER OF POLICE,**
   THIRUVANANTHAPURAM CITY, THIRUVANANTHAPURAM.

5. **THE CIRCLE INSPECTOR OF POLICE,**
   MUSEUM POLICE STATION, THIRUVANANTHAPURAM.

6. THE CIRCLE INSPECTOR OF POLICE,
PALODE POLICE STATION, THIRUVANANTHAPURAM.

BY ADV. SRI.THOMAS ABRAHAM
SRI.K.B.ARUNKUMAR
SRI.DIPU.R
SMT.MERCIAMMA MATHEW
GOVERNMENT PLEADER SMT. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 8451/2007 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NOTICE DT. 1/10/2006 BY THE PETITIONER.

EXT.P2. COPY OF THE NOTICE DT. 18/1/07 BY THE LABOUR COMMISSIONER, THIRUVANANTHAPURAM,

EXT.P3. COPY OF THE LETTER DT. 5/3/07 FROM THE RUBBER BOARD TO THE PETITIONER.

EXT.P4. COPY OF THE REPRESENTATION DT. 5/02/07 BEFORE THE R4.

EXT.P5. COPY OF THE REPRESENTATION DT. 5/2/07 BEFORE THE R5.

EXT.P6. COPY OF THE REQUEST DT. 7/3/07 MADE TO R5.

EXT.P7. COPY OF THE REQUEST DT. 7/3/07 MADE TO R6.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE INTERIM ORDER DT. 13/08/03 IN WPC NO. 25225/03.

EXT.R1B. COPY OF THE JUDGMENT DT. 22/09/03 IN WPC NO. 25225/03.

EXT.R1C. COPY OF THE MINUTES OF THE MEETING DT. 19/4/07 COVENED BY THE GOVT.

EXT.R1D. COPY OF THE COMMUNICATION DT. 11/5/07 BY THE MANAGEMENT.

EXT.R1E. COPY OF THE DRAFT REPORT DT. 15/5/07 BEFORE THE MANAGEMENT.

EXT.R1F. COPY OF THE NOTICE DATED 4/7/07 SENT BY THE GOVT.

EXT.R1G COLLECTIVELY: COPIES OF THE LETTER DT. 19/7/07, THE CHEQUE AND THE STATEMENT SENT BY THE MANAGEMENT.

True copy

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K. BALAKRISHNAN NAIR & HARUN-UL-RASHID, JJ.

W.P.(C) No.8451 of 2007

Dated, this the 16th day of August, 2007

JUDGMENT

Balakrishnan Nair, J.

The petitioner is a company. It was running a crumb rubber factory. Owing to financial difficulties it is not functioning now. The petitioner proposes to close it down permanently. Some of the workmen have already accepted voluntary retirement benefits and left the unit. The others are trying to destroy the property of the factory under the guise of agitations. Therefore, this writ petition was filed seeking the following reliefs:

> a) Issue a writ of mandamus or other appropriate writ or order directing respondents 4 to 6 to provide adequate and effective protection to the property of the company, viz. the factory at Meenmutty, Palode and Head Office at Door No.TC 44/2490 Thycaud, Thiruvananthapuram as well as to the management, staff from any untoward act or interference on the part of respondents 1 to 3, their supporters and sympathizers, and
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> b) such other writ, order or direction as are deemed just and proper on the facts and circumstances of the case.

2. The party respondents submitted that they were only peacefully assembling and registering their protest against the closure of the unit. They would not cause any obstruction or destroy any property. On the strength of the interim order passed by this court, the workmen have been removed from the gate of the factory and they are prevented from holding demonstrations. It is also submitted that there is a scheme for reviving the unit at the instance of the Government.

3. The learned Government Pleader upon instructions submitted that there was no untoward incident reported and no occasion arose for registering any case against the workmen or others.

4. The problem of closure of the unit has to be negotiated and settled by the parties concerned before other forums. The police has no role in it. But, if there is any breach of peace, the police shall interfere and maintain law and order. But this direction shall not be taken as a direction against the workmen. In other words, the peaceful demonstration or other sathyagrahas or meetings held by the workmen shall not be interfered with by the police.

The writ petition is disposed of as above.

K. BALAKRISHNAN NAIR
JUDGE

HARUN-UL-RASHID,
JUDGE.

mt/